



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JAN 24 2020

**URGENT LEGAL MATTER – PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Exxon Mobil Corporation  
David Mantor  
22777 Springwoods Village Parkway  
N1.4B.334  
Spring, TX 77389

Re: Exxon Mobil Corporation VCC Sites

Dear Mr. Mantor:

On behalf of the United States Environmental Protection Agency, Region 4 (EPA), this correspondence serves to follow up on the status of Exxon Mobil Corporation's (Exxon) implementation of institutional controls (ICs) at the Virginia-Carolina Chemical Company (VCC) Sites located in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

As you are aware, Exxon is obligated and agreed under various enforcement documents, such as settlements or administrative orders with the EPA, to negotiate with landowners in order to obtain cooperation or agreements to implement ICs at the VCC Sites, which settlements include, but are not limited to, the following:

- On or about December 29, 2000, the EPA and Exxon entered into an AOC, Docket No. 01-06-C, in the VCC Wadesboro Site. Pursuant to Section VI of the AOC, Exxon is responsible for implementing post-removal site controls and for providing the EPA with documentation of all post-removal site control arrangements.
- On or about February 1, 2005, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2005-3757, in the Swift Agri-Chem Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Register Mesne Conveyance, Charleston County, if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to AOC.
- On or about February 1, 2005, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2005-3758, in the Stono Phosphate Works Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Register Mesne Conveyance, Charleston County, if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.

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- On or about February 1, 2005, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2005-3759, in the Atlantic Phosphate Works Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Register Mesne Conveyance of Charleston if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about February 4, 2005, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2005-3762, in the VCC Port of Balwin Mines Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Office of the Register of Deeds of Beaufort County if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about February 4, 2005, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2005-3761, in the VCC Social Circle Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Office of the Register of Deeds Walton County if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about November 8, 2005, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2006-3754 in the VCC Greenville Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Office of the Register of Deeds in Greenville County if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about October 6, 2006, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2006-3805 in the Georgia Chemical Works Pon Pon Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Office Mesne Conveyance, Charleston County, if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about September 17, 2007, the EPA and Exxon entered into a Consent Decree (CD), in the United States District Court for the Eastern District of North Carolina, Civil Action No. 5:07-cv-00400, in the Gurley Pesticides Site. Pursuant to Section IX of the CD, Exxon is responsible for executing and recording easements or land/water use restrictions in the Recorder's Office of Johnston County if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the CD.
- On or about February 21, 2008, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2008-3760, in the VCC Blacksburg Site. Pursuant to Section IX of the CD, Exxon is responsible for executing and recording easements or land/water use restrictions in the Office Mesne Conveyance, Charleston County, if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about July 13, 2009, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2009-3817, in the VCC Atlanta Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the DeKalb County land



records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.

- On or about March 30, 2010, the EPA entered into an AOC, Docket No. CERCLA-04-2010-3763, in the VCC Winston-Salem Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Forsyth County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about September 22, 2011, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2011-3768, in the VCC Wando Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Charleston County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about October 13, 2011, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2012-3750, in the VCC Rome Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Floyd County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about May 29, 2012, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2012-3772 in the VCC Durham Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Durham County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about November 1, 2012, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2013-3750, in the VCC Almont Works Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the New Hanover County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about December 3, 2012, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2013-3753, in the VCC Wylam Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Jefferson County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about July 30, 2013, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2013-3762, in the VCC Charlotte Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Mecklenburg County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about May 20, 2014, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2014-3760, in the VCC Memphis Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Shelby County land



records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.

- On or about June 24, 2014, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2014-3761, in the VCC Mobile Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Mobile County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about March 30, 2015, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2015-3750, in the VCC Macon Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Bibb County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.
- On or about August 16, 2016, the EPA and Exxon entered into an AOC, Docket No. CERCLA-04-2016-3756 in the VCC Birmingham Site. Pursuant to Section IX of the AOC, Exxon is responsible for executing and recording easements or land/water use restrictions in the Jefferson County land records office if necessary, to implement, ensure non-interference with, or ensure protectiveness of the removal measures to be performed pursuant to the AOC.

As set forth in the above-referenced enforcement documents, Exxon is not only required to execute and record deed restrictions in the appropriate land records office but is also required to use best efforts (efforts that a reasonable person in Exxon's position would use to achieve the goal in a timely manner, including the cost of employing professional assistance and payment of reasonable sums of money to secure deed restrictions from landowners) to secure agreements from landowners to refrain others from using the Sites, or such property, in any manner that would interfere with or adversely affect the implementation, integrity, or protectiveness of the removal measures performed.

Exxon has represented to the EPA that it has had difficulty obtaining deed restrictions from certain landowners at certain Sites. Please provide to the EPA, in writing, with specificity Exxon's "best efforts" to implement the remaining deed restrictions for all of the VCC Sites no later than **February 24, 2020**. Exxon's response to the EPA should include the following: (1) a delineation of every VCC Site; (2) for each VCC Site, an identification of every parcel for which a deed restriction is needed; (3) the name and contact information of every landowner from whom a deed restriction is needed; (4) identification of every parcel for which an attempt to secure a deed restriction was made by Exxon; and (5) the factual basis for Exxon's inability to implement ICs. Exxon's response should be sent to:

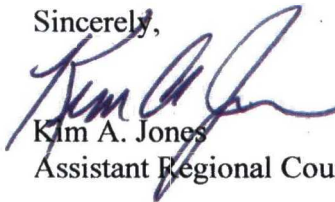
Kim A. Jones, Assistant Regional Counsel  
Office of Regional Counsel  
U.S. EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
[Jones.Kima@epa.gov](mailto:Jones.Kima@epa.gov)

As previously communicated to Exxon, the EPA is prepared to support Exxon in implementing the remaining deed restrictions by way of locating and/or eliciting responses from respective property owners from whom Exxon has attempted to obtain restrictions. The EPA and Exxon have had

preliminary discussions regarding the use of governmental controls such as zoning and permitting as a mechanism to restrict land or resource use, however, the EPA, upon further review, has determined that zoning restrictions will present some major challenges due to the VCC Sites being located in a number of different jurisdictions, as well as the varied site specifics. Each jurisdiction with its unique requirements, or lack thereof, in being able to assure long-term protectiveness through zoning is a concern. Therefore, zoning and/or permitting may not be a feasible approach for all of the VCC Sites wherein ICs are necessary.

Should you have any legal questions regarding this letter, please contact me at (404) 562-9553 or Yeliann Montanez, Attorney, at (404) 562-9522.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim A. Jones", is written over the typed name and title.

Kim A. Jones  
Assistant Regional Counsel

cc: Mr. Bruce Frink  
Ms. Meredith Clark

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See Reverse for Instructions